

**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
WESTERN REGION**

Los Angeles Office
18000 Studebaker Road, Suite 660
Cerritos, CA 90703

April 6, 2010

Arthur Edelstein
Downey, CA 90241

**NOTICE OF UNAUTHORIZED OPERATION AND
INTERFERENCE TO LICENSED RADIO STATIONS**

Case No.: EB-10-LA-0056
Document Number: W201032900008

On March 24, 2010, in response to a complaint of interference, agents from the Enforcement Bureau's Los Angeles Office confirmed by direction finding techniques that radio signals on the 840 - 900 MHz band were emanating from your office at 11411 Brookshire Ave., Suite 506, Downey, CA. At the time of the inspection, agents determined that you were operating a radio transmitting device designed to jam or intentionally interfere with licensed radio communications transmissions in the GSM, CDMA, and PCS frequency bands. During the inspection, you admitted that the device was in operation, and you have ceased operation of the device.

Persons operating or using radio transmitters must be licensed or authorized by the FCC, pursuant to Section 301 of the Communications Act of 1934, as amended.¹ In addition, radio transmitting equipment must comply with FCC rules.² Section 333 of the Act prohibits willful or malicious interference with any radio communications of any station licensed or authorized by or under the Act or operated by the United States Government.³ In addition, Section 302(b) of the Act, and Section 2.803 of the Commission's rules, prohibit the manufacture, importation, marketing, sale or operation of devices deliberately designed to jam or disrupt wireless communications.⁴ The Commission has issued two Public Notices specifically stating that the sale and use of transmitters

¹ 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level that complies with the standards established in Part 15 of the Commission's rules. 47 C.F.R. §§ 15.1 *et seq.*

² 47 C.F.R. Part 2, Subpart J.

³ 47 U.S.C. § 333.

⁴ 47 U.S.C. § 302a(b); 47 C.F.R. § 2.803.

designed to prevent, jam or interfere with the operation of cellular and personal communications service (PCS) telephones is unlawful.⁵

The operation of the device utilized by you may constitute a violation of Sections 333, 302(b), and 301 of the Act, as described above.⁶ Such operation may subject you to substantial monetary forfeitures, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.⁷ Because unauthorized operation creates a danger of interference to important radio communications services, and may subject the operator to severe penalties, this warning emphasizes the importance of complying strictly with these legal requirements.

**UNAUTHORIZED OPERATION OF THIS RADIO TRANSMITTING DEVICE
MUST NOT RESUME.**

You may respond with any information you believe relevant to this warning within (10) days from the date of this notice. Your response should be sent to the address in the letterhead and reference the listed case number. Under the Privacy Act of 1974, we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules.⁸ This will include any information that you disclose in your reply.

Be advised that this notice does not preclude this office from pursuing additional sanctions based upon our investigation of this incident.

Nader Haghighat
District Director
Los Angeles District Office
Western Region
FCC Enforcement Bureau

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", March 2005

⁵ See *Office of Engineering and Technology and Compliance and Information Bureau Warn Against the Manufacture, Importation, Marketing or Operation of Transmitters Designed to Prevent or Otherwise Interfere with Cellular Radio Communications*. DA 99-2150, released October 12, 1999; *Sale or Use of Transmitters Designed to Prevent, Jam or Interfere with Cell Phone Communications is Prohibited in the United States*. DA 05-1776, released June 27, 2005.

⁶ 47 U.S.C. §§ 301, 302a(b), 333.

⁷ See 47 U.S.C. §§ 401, 501, 503, 510.

⁸ 5 U.S.C. § 552a(e)(3).